



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 29, 1996

Ms. Y. Qiyamah Taylor  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-0632

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39441.

The City of Houston (the "city") received a request for "all the evidence and findings accumulated" in the city's decision on a certain discrimination complaint. You assert that the requested information is excepted from required public disclosure based on section 552.103 of the Government Code. Section 552.103(a) applies to information:

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 588 (1991).

You inform us that an employee has filed a discrimination complaint with the Equal Employment Opportunity Commission. Consequently, you have established that litigation is reasonably anticipated. See Open Records Decision No. 386 (1983). You assert that the requested information relates to this complaint. We agree. Thus, you have made the requisite showing that the requested information relates to reasonably anticipated litigation for purposes of section 552.103(a). The requested records may therefore be withheld.

We note that if the opposing parties in the anticipated litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). Thus, section 552.103 does not apply to the correspondence between the city and the potential opposing party to the anticipated litigation, or to other documents submitted to the city by the potential opposing party. In addition, the applicability of section 552.103(a) ends once the litigation is concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 39441

Enclosures: Submitted documents

cc: Mr. A. Charles Gaston  
Attorney at Law  
723 Main Street, Suite 410  
Houston, Texas 77002  
(w/o enclosures)